

p 517-346-6300

February 6, 2006

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The Honorable Phillip J. Pavlov
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2083

Re: HB 5421 Penalties for Certain Sex Offenders

Dear Representative Pavlov:

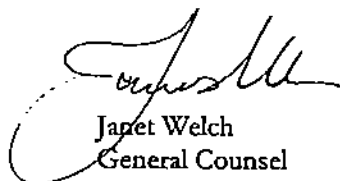
At its January 20, 2006 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose in principle*** HB 5421. This position was adopted after consideration of a recommendation made by the Domestic Violence Committee.

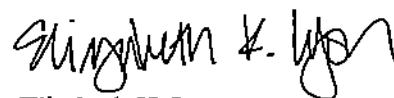
The State Bar has a long-standing position of opposing any measure that would limit judicial discretion, which HB 5421 would effectively do by imposing a mandatory minimum sentence. If the aim of the legislation is to allow the factors listed to be considered, the State Bar would recommend modifying sentencing guidelines to allow judges to consider the factors described in the bill.

The State Bar's Domestic Violence Committee also expressed concern that the bill may inadvertently cause more cases to go to trial because of a disincentive to plead guilty.

If you would like to discuss this position in further detail or have questions, please contact Janet Welch directly at (517) 346-6375, jwelch@mail.michbar.org; or Elizabeth Lyon directly at (517) 346-6325, elyon@mail.michbar.org.

Sincerely,


Janet Welch
General Counsel


Elizabeth K. Lyon
Public Policy Program Analyst

CC. Thomas W. Cranmer, President
John T. Berry, Executive Director
Leslie Hagen, Chair, Domestic Violence Committee
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

* Definition of oppose in principle: pending legislation that the State Bar opposes, but that is not the subject of active lobbying effort. The State Bar is on record on this position and will explain it upon request.